

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,

v.

SWAY TEA USA,
Defendant.

Case No. [5:21-cv-05902-EJD](#)

**ORDER RE STIPULATED REQUEST
TO EXTEND DEADLINE TO FILE
NOTICE OF NEED FOR MEDIATION**

Re: Dkt. No. 19

Plaintiff Scott Johnson filed this action on July 31, 2021. Dkt. No. 1. Pursuant to General Order 56 and the Court's January 20, 2022 order granting the parties' stipulated request to extend the joint site inspection deadline, the parties' last day to conduct a joint site inspection was February 18, 2022 and Plaintiff's last day to file a notice of need for mediation was April 1, 2022. Dkt. Nos. 5, 19. On April 5, 2022, shortly after the Court issued an order to show cause why this action should not be dismissed for failure to prosecute (Dkt. No. 18), the parties filed a stipulated request to continue the notice of need for mediation deadline from April 1 to April 13, 2022. Dkt. No. 19.

There are two problems with the parties' request. First, General Order 56 requires an ADA plaintiff to file a notice of need for mediation "[w]ithin 42 days from the joint site inspection or settlement meeting, *whichever occurs first*" General Order 56 § 9 (emphasis added). General Order 56's terms make clear that a settlement meeting is *not* a condition precedent to a plaintiff filing the notice of need for mediation. The Court has already explained this to Johnson on several occasions over the past five months. *See, e.g., Johnson v. Cashel*, No. 5:21-cv-06294-EJD, Dkt. No. 24 (N.D. Cal. Mar. 11, 2022); *Johnson v. Cashel*, No. 5:21-cv-06294-EJD, Dkt. No. 21 (N.D. Case No.: [5:21-cv-05902-EJD](#) ORDER RE STIP. TO EXTEND DEADLINE TO FILE NOT. OF NEED FOR MED.

Cal. Feb. 16, 2022); *Johnson v. Shekinah Glory LLC*, No. 21-cv-05254-EJD, Dkt. No. 17 (N.D. Cal. Dec. 20, 2021); *Johnson v. Lee & Ham, Inc.*, No. 21-cv-04204-EJD, Dkt. No. 15 (N.D. Cal. Dec. 6, 2021).

Second, the parties provide no reason whatsoever why an extension is warranted. Civ. L.R. 6-2(a) (requiring parties to “set forth *with particularity* the reasons for the requested” time change (emphasis added)). The stipulation recites that Johnson’s counsel’s assistant contacted defense counsel to schedule the settlement meeting on March 30, 2022, but there is no explanation for why Johnson delayed nearly six weeks after the joint site inspection.

Accordingly, the Court finds that the parties have not shown good cause for the requested extension. Nevertheless, the Court will grant the parties’ request. Johnson shall file his notice of need for mediation by **April 13, 2022**. No further extensions of this deadline will be granted absent good cause.

All show cause deadlines remain in effect.

IT IS SO ORDERED.

Dated: April 5, 2022



EDWARD J. DAVILA
United States District Judge